

Dear FCC,

I agree with, and adopt the extensive comments of the National Consumer Law Center (NCLC) regarding changes to the definition of automatic telephone dialing systems (auto dialers or ATDS).

The FCC should construe the TCPA as Congress expected, which is liberally in favor of consumer protection and consumer privacy. The FCC should define ATDS so as to protect consumers from the regular, systematic, and in too many cases *criminal* use of an ATDS by telemarketers and others: criminal under Maryland state Public Utility law, and criminal under the TCPA as amended by federal Caller ID laws, which telemarketers almost always violate by transmitting fake or spoofed Caller ID information.

I have sued many telemarketers, and have had my numbers on the national do not call registry for decades. Despite several ongoing TCPA suits, I still get several illegal telemarketing calls almost every day, which are all made with automatic dialing equipment of some kind. In the last year I have received calls from a company I already sued, and today received the 30th automated robocall for a 0% credit card rate from TSS Consulting Group, LCC in Florida, despite multiple attempts and requests for them to stop calling. I have this experience with other callers that they continue to call even after requests to stop, that arise from the automated nature of the calling. The real people who I sometimes get to talk to have very little and usually no control over the dialing equipment, and tell me so. So action needs to be taken upstream, so to speak, from the person locked in a cubicle somewhere for whom the automatic dialing is done for.

The FCC can cite already existing, and long standing, abuses of ATDS, to justify rejection of comments and requests from the telemarketing, debt collection, and other industries to define or interpret ATDS in such a way so as to allow even more auto dialing that currently, or without adequate remedies for the new abuses which are *guaranteed* to come with any change to the current ATDS definition. Automation and calling, whether for telemarketing or debt collection or other purposes, are a recipe for abuse, and Americans like myself taste the results of that recipe every day. Stress is a national problem, and ATDS abuse contributes to this.

The requests to prevent a person who gives permission to be called from later changing their mind and to request that calling stop should be rejected outright by the FCC. The FCC has already ruled that people may revoke permission, after originally giving permission to a caller. There is no new information justifying re-looking at this issue, and importantly, no mandate or authority for the FCC to re-look at this issue.

The FCC should ensure that consumers do not incur charges or costs to prevent the existing abuses, and any abuse that can be reasonably foreseen from a change to the definition of ATDS. Some newer apps or services such as Robokiller, NoMoRobo, and Jolly Roger have costs associated with them, which while some may be willing to bear, many people are not, and even for those willing to pay for privacy, that can also be viewed as a failure of the TCPA to work as Congress intended.

ATDS should be defined in keeping with Congress's original intent of the TCPA to prevent

the kind of abuses that back in the late 1980s, had already caused one U.S. Senator in discussing legislation that led to the TCPA to exclaim that it makes one want to rip the phone out of the wall. Technology since then, and cheap phone rates, has made the problem worse.

Michael Worsham